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Forty-seventh session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 April 2001, at 10 a.m.

Chairperson: Mr. DESPOUY (Argentina)
later: Ms. FILIP (Vice-Chairperson) (Romania)
later: Mr. DESPOUY (Chairperson) (Argentina)

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ENG

The meeting was called to order at 10.20 a. m.

STATEMENT BY MR. BORIS TRAJKOVSKI, PRESIDENT OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

1. Mr. TRAJKOVSKI (The former Yugoslav Republic of Macedonia) said that he was honoured to address such a significant political body as the Commission on Human Rights. For decades, the Commission had been working towards global democratic development as a precondition for achieving acceptance of the basic principles contained in the Universal Declaration of Human Rights. Unfortunately, those principles were far from being a global reality.

2. In 2001, the Commission had chosen to place special emphasis on the fight against racism and all forms of intolerance. The fight against those phenomena, which destroyed the very foundations of democratic societies, should be uncompromising and constant. In that regard, the international community had to fulfil the expectations raised by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that would be held in South Africa.

3. The former Yugoslav Republic of Macedonia, which had made the prohibition of discrimination a constitutional principle, had resolutely combated racism and intolerance in its territory. Thus, as a result of affirmative-action measures, Macedonians of Albanian extraction, who had held relatively few posts in the Macedonian civil service after the dissolution of the former Yugoslavia, were currently well represented in the State administration, the judiciary and universities. The parties that represented Macedonian Albanians participated actively in the country's political life. In educational establishments, persons belonging to minorities could receive instruction in their mother tongue. Pursuant to the Higher Education Act, which had been adopted several months earlier, a university would soon be opened in Tetovo, where teaching would be conducted in Albanian, Macedonian and English. In municipalities where persons belonging to minorities constituted a majority, bilingualism, and even trilingualism, were in official use. Moreover, the Government had recently adopted a law on local self-government, which significantly increased the jurisdiction of local authorities. Finally, State television broadcast programmes in minority languages, particularly Albanian, and a third national television channel would soon broadcast programmes exclusively in the languages of the minorities.

4. The former Yugoslav Republic of Macedonia was currently faced with the most radical form of racism—militant racism—which was manifested by the terrorist activities of armed extremists. He stressed that the crisis was of an external nature, since it was a direct "export" from Kosovo. Unfortunately, it reflected the international community's inability to take decisive measures to oppose the malignant concept of "ethnically clean territories", which was completely anti-democratic and could only spread hatred and threaten regional stability.

5. By jeopardizing the territorial integrity of The former Republic of Macedonia, the armed Albanian extremists had shown their true face and had consolidated the fight against them. the basic goal of the armed extremists was to destroy the system of multicultural democracy that had been functioning for a decade in The former Yugoslav Republic of Macedonia, a democracy that was founded on the concept of an open civil society, equal rights for all citizens, regardless of their culture or ethnic origin, and tolerance for individual cultural differences. Such a society implied a high level of integration and mutual tolerance and clearly had nothing to do with the racist dogma of "ethnically clean territories". Such a society was completely in accordance with the will of most Macedonian citizens of Albanian ethnic origin, who had, through their political representatives, condemned the terrorists. That reaction clearly showed that the conflict in The former Yugoslav Republic of Macedonia was not an ethnic conflict but a conflict of concepts.

6. In response to the greatest challenge that it had ever faced, The former Yugoslav Republic of Macedonia had reacted with determination to protect its territorial integrity and security while respecting the principle of proportionality. Consequently, The former Yugoslav Republic of Macedonia had received the unreserved support of the international community, including support from the authorities in Tirana, which had condemned the terrorist attacks against The former Yugoslav Republic of Macedonia and had reaffirmed their ties of friendship with the latter as well as their desire to respect democratic values.

7. The armed extremists, who were governed by racist ideology and who needed instability for their criminal activities, particularly trafficking in drugs and women, had miscalculated. They had forgotten that the Macedonian Albanians were present in all segments of the Government and Parliament and that there was no declared conflict between Macedonians and Albanians. They had therefore been wrong in thinking that Macedonian citizens of Albanian origin would immediately identify with their "fighters for freedom" and realize their aspirations for a "Greater Albania".

8. The international community was aware of those facts. That was why he called upon all relevant entities to implement, consistently and as a matter of urgency, Security Council resolutions 1244 (1999) and 1345 (2001) with a view to stabilizing the region. KFOR and the United Nations Interim Administration Mission in Kosovo (UNMIK) should strictly control the northern border of The former Yugoslav Republic of Macedonia with Kosovo in order to prevent extremists from infiltrating into Macedonian territory; the population in Kosovo should be disarmed; the terrorists and armed extremists and the political leaders who supported them should be punished immediately; and, finally, there should be overall support for all sectors of civil society that supported tolerance and democratic values.

9. The former Yugoslav Republic of Macedonia would fight to maintain its stability and preserve its territorial integrity, while intensifying the dialogue and enhancing relations among all ethnic groups. That would ensure long-term stability and promote democratic values, a market economy and respect for the rule of law and for the rights of the individuals and minorities that were part of Macedonian society. In that spirit, on 9 April 2001, The former Yugoslav Republic of Macedonia had signed a stabilization and association agreement with the European Union.

STATEMENT BY MR. VICTOR HUGO GODOY, SECRETARY OF STATE OF GUATEMALA FOR HUMAN RIGHTS

10. Mr. GODOY (Guatemala) said that, while his Government considered it unacceptable to invoke national sovereignty and non-interference in internal affairs for justifying human rights violations, he shared the concern of certain States with regard to the often selective approach to the analysis of country situations. The strengthening of the role of the Office of the United Nations High Commissioner for Human Rights and the preparation by the Office of a report on the human rights situation in all countries that could serve as a basis for identifying, with the aid of objective criteria, particularly serious cases that required specific action on the part of the international community, could address that concern. It would, however, be unacceptable to discontinue, for fear of politicizing the work of the Commission, consideration of cases of serious and systematic human rights violations. States should not fear human rights protection mechanisms but should consider them, first and foremost, as cooperation mechanisms.

11. Guatemala had benefited from such cooperation, both within the United Nations and as part of the Inter-American System, which had enabled it to make considerable progress and continue its efforts to consolidate peace and strengthen democracy. Nevertheless, Guatemala was still experiencing problems in the field of human rights protection, essentially because of its weak

institutional infrastructure and the difficulties it had encountered in re-establishing democratic institutions after 36 years of domestic armed conflict.

12. Guatemala highly appreciated the mechanisms proposed by the Commission on Human Rights and was prepared to receive, at any time, all the thematic rapporteurs. In that regard, he wished to point out that the recommendations that the Special Rapporteur on the independence of judges and lawyers had made following his visit to Guatemala in 1999 had been implemented. Two magistrates of the Supreme Court of Justice and its secretary-general had recently spoken with the Special Rapporteur to inform him of the progress that had been made in reforming the judiciary, several weeks before the Special Rapporteur's follow-up visit to Guatemala at that country's request. Moreover, the Government had publicly recognized the State's responsibility for the sufferings inflicted on the population and the violations that had been committed, particularly during the armed conflict. It had also expressed its political will to reach private agreements with claimants and the families of victims in many cases currently being considered by the Inter-American Commission on Human Rights, with which the President of the Republic had signed an agreement in August 2000.

13. The current Government had ratified the Inter-American Convention on Forced Disappearance of Persons and the Optional Protocol to the International Covenant on Civil and Political Rights. It had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the two Optional Protocols to the Convention on the Rights of the Child. It was also about to sign the Rome Statute of the International Criminal Court.

14. Guatemala wished to consolidate the rule of law and the independence of powers, as had been demonstrated by the attitude of the Supreme Court of Justice, which had supported proceedings against a number of deputies, including the President and members of the office of the Congress of the Republic, and by the Constitutional Tribunal's repeal of a reform voted by Parliament to prevent such proceedings. The transition from an authoritarian State to a democratic State could not be achieved in a day or without a certain degree of backsliding, as was evident from the recent series of lynchings. In the face of such phenomena from another age, the State had not remained passive.

15. Guatemala had requested the Office of the United Nations High Commissioner for Human Rights to resume the assistance project in Guatemala and to include in it the function of verification, since the United Nations Verification Mission in Guatemala (MINUGUA) had cut back its staff and resources. He reiterated the invitation that had been made to the High Commissioner in 1998 to establish a regional office in Guatemala.

16. Guatemala welcomed the Secretary-General's appointment of Ms. Jilani as Special Representative on the situation of human rights defenders in all regions of the world, and intended to continue to cooperate closely with her.

17. Within the Group of Latin American and Caribbean States, and in cooperation with other States, Guatemala was seeking to establish an open-ended intersessional working group to begin preliminary work for the adoption of an international convention for the protection of all persons from forced disappearance. The international community should fill the gap in international law with respect to a phenomenon that occurred in all regions of the world and which constituted a violation of a number of fundamental rights.

18. As a multi-ethnic, multicultural and multilingual country, Guatemala wished to contribute to the promotion and protection of indigenous peoples at the international level, as it did at the national level within the framework of peace agreements. The recognition of the identity and rights

of such peoples, including their right to self-determination, was one of the Commission's basic tasks. Guatemala welcomed the project on the creation of a permanent forum for indigenous peoples and hoped that it would be established soon. Guatemala was prepared to assist the Office of the High Commissioner for Human Rights in carrying out the tasks assigned to it by the Secretary-General to achieve that objective.

19. Together with Mexico, Guatemala requested the Commission to appoint a special rapporteur on the protection of the rights of indigenous peoples. Neither the theoretical discussions in the Working Group on the Draft Declaration on the Rights of Indigenous Peoples nor the establishment of a permanent forum would make up for the absence within the Commission of a mechanism that guaranteed the rights and freedoms of those peoples.

20. He urged all delegations to attach a high degree of priority to the negotiations in progress in the Working Group on the Draft Optional Protocol to the Convention against Torture so that the protocol could be adopted by the Commission at its fifty-eighth session.

21. Guatemala considered the right to development as a collective right that implied duties and obligations: obligations of the State to its population and obligations among States.

22. Moreover, Guatemala would continue to work for the success of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which would be held in Durban, South Africa, in September 2001. He hoped that the Conference would make it possible to draft a plan of action that could help to eliminate those scourges. In order to achieve that objective, it was necessary, as the High Commissioner had pointed out, to take account of the deep wounds that had been inherited from the past. The recognition of historic responsibilities, including those relating to the colonial past, called for measures to promote reconciliation and the building of a better future for humankind as a whole.

23. Finally, all countries must continue to cooperate to put an end to the many human rights violations that, unfortunately, continued to occur throughout the world, and they should spare no effort to find peaceful and negotiated solutions to domestic conflicts and conflicts between States, which often gave rise to such violations.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

(a) VIOLENCE AGAINST WOMEN (agenda item 12) (*continued*) (E/CN.4/2001/3, 6, 70-72, 73 and Add.1 and 2 and 126; E/CN.4/2001/NGO/24, 25, 32, 37, 46, 56, 72, 77, 95, 113, 127, 151 and 169; E/CN.4/Sub.2/2000/17, 18 and 21)

24. Ms. PONCINI (International Federation of University Women) took the floor on behalf of the International Federation of University Women and 14 other non-governmental organizations, and as president of the NGO Committee on the Status of Women and coordinator of the Women/Gender/Children's Caucus.

25. In its resolution 2000/46, the Commission on Human Rights underscored the need to integrate women's human rights and women's issues into all the agenda items of the Commission. In that regard, in his excellent 1996 report on extreme poverty (E/CN.4/Sub.2/1996/13), Mr. Leandro Despouy had highlighted the pragmatic aspects pertaining to the feminization of poverty. Regrettably, the Commission had not followed that example in its annotated agenda. She requested that the gender perspective should be specifically mentioned in all the items on the Commission's agenda for 2002. In addition to their legal importance, resolutions also had a pedagogical value. Resolutions that took account of women's fundamental rights had a very significant psychological

effect on both women and men. She noted with satisfaction that many special rapporteurs and independent experts were increasingly mainstreaming gender.

26. With regard to agenda item 6, which dealt with racism and discrimination, she recalled the many forms of discrimination to which women were subjected. The double disadvantage of women's care-giving and child-rearing roles made them vulnerable to exploitation and discrimination in the labour market. Women were particularly exposed to violence during armed conflicts. The many aspects of discrimination that women faced because of their race should be the subject of a detailed study, as indicated in paragraph B of the report of the Secretary-General to the Commission on the Status of Women (E/CN.6/2001/19).

27. Women's equality was also linked to the right to development, which the Commission would consider under agenda item 7. The implementation of that right implied non-discrimination, poverty reduction and self-realization. That meant that women must have access to capital and be empowered to take action. In that area as well, women were victims of discrimination to the extent that the "race to the bottom" brought about by globalization tended to confine them in lower-skilled jobs. It was not enough to grant women microcredit. They must be allowed to create enterprises, which entailed the right to own property. That was why she and the organizations that she represented supported the resolution sponsored by the Government of Mexico on that subject; they also requested the Special Rapporteur on adequate housing to undertake an empirical study of women's access to land and housing.

28. When it considered agenda item 10, which dealt with economic, social and cultural rights, the Commission should address the various forms of discrimination faced by women in the areas of access to education, information technologies, intellectual property and electronic commerce, and in the areas of health and food.

29. With regard to agenda item 11, which dealt with civil and political rights, it was necessary to emphasize the importance of women's access to decision-making in government bodies. At the international level, the Security Council in its resolution 1325 (2000) recognized the critical role of women in peace negotiations.

30. Women's rights should also be mentioned with regard to agenda item 14, which concerned specific groups and individuals and, therefore, women migrant workers and minorities, displaced women or women refugees, and so on.

31. When the Commission took up agenda items 18 and 19, it should take into account the absence of certain data, including the lack of data on the unpaid work of women.

32. The non-governmental organizations that she represented believed that the Commission on the Status of Women had a fundamental role to play in implementing Commission on Human Rights resolution 2000/46, and they hoped that the dialogue between the Commission on the Status of Women and the Commission on Human Rights would continue on a regular basis, through the participation of the chairpersons of the two Commissions in their respective sessions. Only perseverance would lead to the incorporation of women's issues into all United Nations bodies. That was the goal of the NGO Committee on the Status of Women.

33. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism and Anti-Slavery International) said that the General Assembly had recently adopted an additional protocol to the United Nations Convention against Transnational Organized Crime—the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol, which had already been signed by 84 States, contained a clear definition of what

constituted trafficking but, since the Protocol had not been prepared by the Commission on Human Rights, it did not place enough emphasis on the protection of the victims of such trafficking. In practice, many States continued to treat victims of trafficking as if they were the offenders. They were arrested, detained, deported and often treated as scapegoats when they returned home. Moreover, the Protocol did not establish any body to monitor the implementation of its provisions. States should therefore take a proactive approach to protect the rights of victims of trafficking. In the opinion of the two non-governmental organizations that she represented, the special rapporteurs of the Commission should not be the only ones to draw attention to those issues; a special rapporteur should be appointed, by the Commission or by the General Assembly, to gather information on the subject. The Office of the United Nations High Commissioner for Human Rights should prepare guidelines on specific ways in which States could ensure the protection of victims of trafficking. In the meantime, States should not only prevent the prosecution of trafficked persons for the illegality of their entry or residence or for their activities but should also grant them temporary or permanent residence permits and offer them the possibility of obtaining compensation for the damage suffered. States should also appoint national focal points to gather information on trafficking and prepare national plans against trafficking.

34. Ms. IZZAH ANVAR (Asian Cultural Forum on Development) denounced the oppression of supporters of the reform movement in Malaysia, which included her father, Anwar Ibrahim, the former Deputy Prime Minister of Malaysia. Women who asserted their right to participate in public affairs and who took a public stand against corruption and worked for human rights and democracy had also become a target of the public authorities. For example, Mrs. Marina Abdullah had been arrested with two other women while participating in a peaceful demonstration for detainees in Kuala Lumpur. During a rally held on 5 November 2000, the police had arrested Umi Jimainah, 17 years old, with her mother and another woman, Mrs. Norazimah Mohd Nor, 25 years old and mother of four children. That woman had been sexually abused and tortured while in detention. The police had also threatened the safety of her husband and children. At the same rally, the speaker's mother had been saved by the President of the National Justice Party, and had had to be hospitalized after being exposed to tear gas. All the members of the speaker's family had become the target of media attacks, which sought to damage their reputation. Even as she addressed the Commission, the speaker was aware that her exposé on the situation in Malaysia might lead to increased penalties for her father, who was at the mercy of the authorities. The Malaysian authorities were already denying her father the treatment that he needed and were making it difficult for him to meet with lawyers and family members.

35. She shared the fate of many women in Malaysia, who had been told by the Government in no uncertain terms that they should fear for the security of their family if they refused to give in and continued to demand their rights. The Malaysian authorities considered those rights as privileges and rewards that they alone could bestow or take away. Her grandmother had recently passed away, a heart-broken woman. She appealed to the members of the Commission to do what they could to prevent anyone else from suffering in such a way.

36. The CHAIRPERSON informed the Commission of the presence of Her Royal Highness Princess Mathilde of Belgium, whom he commended for her activities in favour of children and vulnerable persons.

37. Ms. WESCHLER (Human Rights Watch) said that she was deeply concerned at the failure of States to end impunity for so-called "honour" crimes. Such impunity had terrible consequences. For example, a woman who sought a divorce from an abusive husband had no other choice than to stay in the marriage or risk being killed. Honour crimes were not specific to any religion, nor were they limited to any one region of the world. Human Rights Watch had worked on that issue in the Americas, Asia, the Middle East and North Africa. Although there was increased awareness of the

issue, States remained reluctant to take the necessary steps to end impunity for honour killings. For example, although the Supreme Court of Brazil had in 1991 struck down "defence of honour" as a justification for the murder of a wife, courts still failed to prosecute and convict men who claimed that they had murdered their wives because of their alleged infidelity. In Jordan, if a woman sought protection from the police because she feared that her family wanted to kill her, she would be held in indefinite detention in a local prison. It was impossible for the woman to leave the prison even though she had committed no crime. Ironically, the woman could be released only into the custody of a family member.

38. States were bound to protect women from honour crimes, which were a flagrant violation of their rights. Nonetheless, in some countries, those crimes were either condoned through government inaction or defended as legitimate cultural practices. Such crimes were not investigated by the police, and their perpetrators were never prosecuted. In rare cases, where a man was prosecuted for such a crime, it was the woman's behaviour that became the focus of the trial, not the culpability of the defendant. In the even rarer case that a man was found guilty, the man's claim that it was a crime committed to restore family honour was considered as an extenuating circumstance.

39. Human Rights Watch called on the Commission to condemn all forms of violence against women and to reject all attempts by States to justify any acts of violence. The appropriate special mechanisms should show how pervasive discrimination against women created a climate in which violence against women flourished. It was the responsibility of States to prevent violence against women and, when they failed to prevent violence, to ensure redress.

40. *Ms. FILIP (Romania), Vice-Chairperson, took the Chair.*

41. Ms. BENNINGER-BUDEL (World Organization against Torture) said that, under international law, States had a duty to exercise due diligence to prevent and punish acts of torture, whether those acts were perpetrated by the State or by private individuals. Unfortunately, inasmuch as international definitions of torture had been narrowly interpreted, all too often State inaction perpetuated or condoned torture of women.

42. Crimes against women committed in the name of honour were a gender-specific form of violence that was either approved or supported by States in many parts of the world, including Argentina, Bangladesh, Brazil, Ecuador, Egypt, Guatemala, the Islamic Republic of Iran, Jordan, the territories controlled by the Palestinian Authority, Peru, Texas (United States of America), Turkey and Venezuela. Mutilation or killing occurred when a woman allegedly stepped out of her socially prescribed role. The World Organization against Torture drew the Commission's attention to the increase in the number of reports regarding sulphuric acid attacks in Bangladesh. Every month, about 20 persons, mostly women and girls, became victims of such attacks for reasons that included refusal of an offer of marriage, dowry disputes or domestic violence. Although Bangladesh's legislation contained provisions to protect women, it seemed that the judiciary and law enforcement officials were not committed to applying them. The World Organization against Torture urged the Commission to request the Subcommission on the Promotion and Protection of Human Rights to carry out a worldwide study of honour crimes.

43. As in previous years, the World Organization against Torture was seriously concerned about the Taliban's torture of women and girls in Afghanistan. Such torture often involved beatings and flogging, as well as abduction and rape. It was particularly important for the Special Rapporteur on the situation of human rights in Afghanistan to give special attention to the human rights of women in that country.

44. In order to ensure equal protection of men and women from torture, it was imperative that the Commission should request the Committee against Torture and the Special Rapporteur on Torture to bear in mind the "gender" of the victim and the form, circumstances and consequences of torture as well as the availability of remedies and reparation. With regard to the interpretation of the definition of torture in international law, she said that much would depend on the general comment on article 1 of the Convention against Torture that the Committee against Torture should adopt at its twenty-sixth session. Finally, the World Organization against Torture commended the outstanding work of the Special Rapporteur on extrajudicial, summary or arbitrary executions and her systematic application of the gender perspective in her work. The World Organization against Torture would welcome an extension of her mandate.

45. Ms. RAS-WORK (Inter-African Committee on Traditional Practices Affecting the Health of Women and Children) said that violence against women was so systematic and universal that it had been accepted for far too long as the norm. Millions of women were subjected to battering, rape, abduction, genital mutilation, forced or early marriages and a host of other violent practices.

46. The Inter-African Committee believed that the reaction to such cruel and degrading treatment as female genital mutilation, which was widely practised throughout the world, had been too timid, particularly on the part of the Governments concerned. Although the problem called for urgent action by those working to safeguard the health and well-being of women and girls, resources, both human and material, were insufficient. She was nevertheless encouraged that a Special Rapporteur had been appointed to study the traditional practices that affected the health of women and children, even if the constraints that she faced were worrisome. The shortage of funds at her disposal had prevented her from carrying out the programme of work that she had proposed, while the planned three conferences would have enabled policy makers to evaluate the extent of the problem and agree on coordinated action. Recognizing the importance of the work of the Special Rapporteur, the Inter-African Committee urged the Commission and the Office of the United Nations High Commissioner for Human Rights to provide her with the support that she required to fulfil her mandate.

47. In its efforts to combat harmful traditional practices, the Inter-African Committee carried out activities to raise the awareness of the public, religious leaders and youth groups, and tried to convince excisers to engage in more positive skills. Finally, after consultations with legal experts, policy makers and representatives of the Organization of African Unity (OAU) and the Economic Commission for Africa (ECA), a draft convention on the elimination of all forms of harmful traditional practices affecting the fundamental rights of women and girl children had been prepared and submitted to OAU for adoption by the Assembly of Heads of State and Government. The Inter-African Committee urged the representatives of African Governments to lobby for the adoption of that instrument, which would give the international community a strong instrument to support a future campaign against such traditional practices.

48. Ms. KALIBONSO (Asian Legal Resource Centre) said that, in most Asian countries, women who were victims of violence had very few legal and institutional remedies. Owing to certain discriminatory provisions in customary law, inadequate understanding of the law, which led to the consideration of domestic violence as a private matter, malfunctioning of the legal system and the attitude of judicial authorities, such women could not benefit from adequate protection.

49. Regrettably, rape was not always recognized as a crime and its consequences for the victims were sometimes ignored. She cited a case in Sri Lanka, in which the court of appeal had overturned a rape conviction by questioning the victim's credibility. She drew the Commission's attention to the current increase of violence against women in Indonesia. Noting that the Government of Indonesia had not taken the necessary measures to combat that phenomenon and protect the victims, she requested the Commission to urge the Government of Indonesia to accelerate the

implementation of the recommendations made by the Special Rapporteur in 1999 as well as the legal reform process, particularly by amending the Criminal Code and instituting a witness protection programme. The Commission should also request the Government of Indonesia to end impunity, prosecute perpetrators of human rights violations against women and involve women in the resolution of conflicts taking place in certain parts of the country, particularly Aceh and West Papua.

50. Ms. EKBERG (Coalition against Trafficking in Women) said that the non-governmental organization that she represented had participated actively, as a member of the international network of human rights organizations, in the negotiations on the Convention against Transnational Organized Crime and its two additional protocols. Those texts had been opened for signature in December 2000, and 84 countries had signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. That Protocol took into consideration the actual situation of the victims and accorded them maximum protection. It acknowledged that most trafficking in persons was for the purpose of prostitution and other forms of sexual exploitation and that such trafficking was not solely based on the use of force but also the abuse of authority or power. The consent of a victim to trafficking was irrelevant to the definition of the offence. Trafficked persons were considered only as victims and therefore had a right to protection. Moreover, for the first time in an international instrument, the men who created the demand for prostitution and sexual exploitation were mentioned. In article 9, paragraph 5, the Protocol invited States to discourage such demand.

51. While the Coalition against Trafficking in Women supported the general recommendations of the Special Rapporteur on violence against women, it was concerned about the definition of trafficking, which was based entirely on the criterion of force. Although the Special Rapporteur acknowledged the seriousness of prostitution in South Asia, she defined as criminals only those who trafficked for forced labour. In using such terms as "forced prostitution", she contradicted the principle according to which trafficked persons should be considered as victims, whether or not they had consented to trafficking. Her use of the term "sex worker", which many non-governmental organizations categorically refused to use, was also questionable.

52. The Coalition against Trafficking in Women strongly urged the Commission on Human Rights to ensure that all bilateral, subregional, regional and international instruments concerning trafficking in women and children for prostitution and sexual exploitation were consistent with the provisions of the Convention against Transnational Organized Crime and its protocols.

53. Ms. CUI Li (All-China Women's Federation) vehemently condemned the violation of women's rights by the Falun Gong sect. She recalled the terrible incident that had taken place on Tiananmen Square on 23 January 2001, when several Falun Gong members, including two members of her family, had set themselves on fire. Describing the radical changes that had occurred in her sister and niece after they had begun to follow the teachings of Li Hongzhi, she said that, like theirs, thousands of lives had been ruined. In China, some 1,700 people had committed suicide or had died by refusing to accept medical treatment as a result of their deception by Falun Gong. That was a dangerous sect which, since it trampled on the most fundamental human rights, should be solemnly denounced by the Commission on Human Rights.

54. Ms. DIOP (Femmes Africa Solidarité) welcomed Security Council resolution 1325 (2000) of 31 October 2000 and the decision adopted by OAU at the seventy-third ordinary session of the Council of Ministers in February 2001, both of which increased women's participation in the field of conflict prevention and resolution.

55. Since 1997, Femmes Africa Solidarité had provided support to women of Burundi and had facilitated their participation in the negotiation of a peace agreement. That organization had also recently supported the establishment of the Mano River Women's Peace Network. The Network, which covered Liberia, Sierra Leone and Guinea, fostered a dialogue among women of the three countries and sought to involve them in peace negotiations. Femmes Africa Solidarité was an active member of the African Women Committee on Peace and Development, which had been established jointly by OAU and ECA with a view to contributing to peace and development in Africa by enhancing the voice of African women in those processes.

56. Femmes Africa Solidarité commended the efforts of the Special Rapporteur on violence against women to link violence committed against women and situations of armed conflicts. She fully supported the Special Rapporteur's recommendations that stressed the importance of women's involvement in the promotion and maintenance of peace and security. In that regard, Femmes Africa Solidarité urged the members of the Commission to ensure that the needs, interests and experience of African women were duly taken into account in policies and programmes in order to prevent violence and the recurrence of conflicts.

57. Ms. JAMPA (International Union of Socialist Youth) said that, contrary to the claims made by the Government of China in a document published in February 2000, the human rights situation in Tibet had not improved. Reports emanating from Tibet referred to increasing discrimination and violence against women in the region.

58. Although population growth in Tibet had slowed since 1991 and was below the growth rate for the rest of the country, the region was subjected to very strict birth control policies. Such policies constituted not only a violation of the fundamental rights of Tibetan women but also endangered their lives and threatened the survival of their families. The Family Planning Department made women pay very high fines for each additional child. It also forced them to undergo contraceptive procedures that sometimes placed their lives at serious risk. Some women refused to seek any health care, fearing forced abortion or sterilization. According to a report published by the Tibetan Women's Association, the maternal mortality rate in Tibet was three times higher than in the rest of China.

59. Another alarming development was the development of prostitution, which was encouraged by the Chinese authorities. It had been estimated that there were about 1,000 brothels or establishments that employed prostitutes in Lhasa. According to certain testimonies, the police turned a blind eye to such activities, which nevertheless posed a serious risk of spreading HIV/AIDS.

60. The International Union of Socialist Youth appealed to the Special Rapporteur on violence against women to investigate the inhuman violence committed against Tibetan women and urged the Commission to adopt a resolution calling on the Chinese authorities to end coerced birth control practices in Tibet.

61. Ms. AVILA (Andean Commission of Jurists) said that the traditional concept of the role of women and their sexuality, the passivity of the authorities and social violence, among others, were at the root of many forms of discrimination and violence against women in the Andean region. In Colombia, the situation was aggravated by the armed conflict.

62. In order to eliminate violence against women, the countries of the region had established norms, implemented programmes and created specialized services. The Government of Bolivia had adopted the National Plan of Action to Eliminate Violence (2001-2006) and the Government of Ecuador had established commissions on women and the family attached to the Ministry of the Interior, which were responsible for coordinating, monitoring and evaluating policies concerning

women. In Venezuela, the National Women's Institute had established shelters for women and children who were victims of domestic violence.

63. Various factors, such as difficulty in obtaining information about women's rights, insufficiency of budgetary resources and the lack of programmes to make civil servants aware of the problem of violence against women, continued to hinder any real improvement of the situation. It was therefore essential to promote the incorporation of international standards for the protection of women's rights into national legislation and the adoption of awareness-raising programmes in order to change mentalities and behaviour. Certain countries, such as Chile and Peru, had already begun to amend their legislation with a view to toughening punishment for perpetrators of such violations and guaranteeing that punishment was carried out.

64. Ms. LOPEZ ORTIZ (Colombian Commission of Jurists) welcomed the renewal of the mandate of the Special Rapporteur on violence against women. The Special Rapporteur had contributed to a better definition of violence against women, particularly in the area of reproductive health and in the context of armed conflicts. Her reports on her missions to Rwanda, Pakistan and Afghanistan contained a number of useful lessons for all countries affected by domestic conflicts. Her analyses had provided certain Colombian non-governmental organizations with a better understanding of the situation of women who were victims of violations in the context of the armed conflict in Colombia.

65. The current situation of women in Colombia was particularly alarming. Between October 1999 and September 2000, some 363 women had lost their lives, most often as victims of extrajudiciary executions. In two thirds of the cases, law enforcement agents had been identified as the direct or indirect perpetrators of such violence. Another consequence of the conflict was that many women and girls had become forcibly displaced persons. It was estimated that women accounted for 56 per cent of Colombia's internally displaced persons. Moreover, all the armed parties to the conflict committed sexual violence against women. Given the seriousness of the situation, the Colombian Commission of Jurists believed that a visit by the Special Rapporteur to Colombia would be welcome. Such a visit would make it possible not only to inform the international community about the serious violations of women's rights being committed in Colombia but also to draft recommendations to encourage the Government to take the necessary measures to investigate such violations and punish their perpetrators.

66. *Mr. DESPOUY (Argentina), Chairperson, resumed the Chair.*

67. Mr. HARRIS (American Jewish Committee) drew the Commission's attention to the terrible fate of Afghan women, who were victims of the Taliban's grotesque interpretation of Islamic law. Under the strict surveillance of the Ministry for the Propagation of Virtue and the Prevention of Vice, women in Afghanistan were deprived of their most fundamental rights, such as the right to education, health and employment or freedom of movement, and had become little more than "silent ghosts". With conflict still raging in parts of the country, women lived in constant fear of rape or abduction by Taliban soldiers. Their situation had not improved in the past year, and the activities of humanitarian workers were made virtually impossible by the constant threat of intimidation. Unfortunately, Pakistan, Saudi Arabia and the United Arab Emirates had recognized the Taliban regime, and Pakistan had even provided indispensable assistance in keeping the Taliban in power, thus legitimizing their acts of violence. Human rights were universal and indivisible. Nothing could justify abuses against women, whether it was a question of the brutal suppression of women under Taliban rule or the horrific practice of genital mutilation that was inflicted on up to two million young women every year, particularly in Africa and the Middle East. He urged all Governments to reaffirm their commitment to implementing the aims of the Beijing Declaration.

68. Mr. MARWAH (International Institute for Non-Aligned Studies) said that, while United Nations bodies had taken many measures in favour of women, much remained to be done to ensure their empowerment. Women often had no access to resources and services that could enable them to accomplish their goals, alleviate their problems and realize their full potential as human beings. The potential of one half of the human race was being wasted.

69. While the right to education was crucial to the exercise of several civil and political rights, such as the right to freedom of expression, association and political participation, in many countries there were still many obstacles to the education of girls. Girls were systematically deprived of the right, contained in the Beijing Platform for Action, to the highest attainable standard of health. Malnutrition, early marriages and pregnancies, stigmatization for infertility, and maternal mortality were among the many evils faced by millions of women throughout the world.

70. In order to protect and promote women's rights, it was necessary to build a civil society that empowered women. Women must, at the very least, be given access to education and adequate health services, particularly primary health services, and the right to property and inheritance. Moreover, they should be encouraged to hold decision-making posts at the local, national and international levels. In that regard, the example set by India, where 33 per cent of the elected seats in local self-governing bodies had been reserved for women, was encouraging.

71. Ms. BAIGES ARTIS (International Federation of Women in Legal Careers), speaking on behalf of the International Federation of Women in Legal Careers, the International Federation of Women Lawyers and the International Association of Women Judges, said that violence against women was universal and took many forms. As an instrument of pressure and power, violence could and should be eliminated by a resolute social policy that made possible a gradual change in ways of thinking. In the meantime, it was necessary to ensure a strong, effective and rapid legal response. In that regard, the Convention on the Elimination of All Forms of Discrimination against Women had made significant progress in the history of women's rights. However, although the Convention was, after the Convention on the Rights of the Child, the international instrument that had been ratified by the largest number of countries, it was also the instrument with the largest number of reservations.

72. The International Federation of Women in Legal Careers supported the joint work plan of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2001/70, E/CN.6/2001/3).

73. Mr. KAUL (Himalayan Research and Cultural Foundation) said that the problem of violence against women in parts of South and Central Asia was aggravated by the diktats of religious extremists. In her 1998 report (E/CN.4/1998/54), the Special Rapporteur on violence against women referred to the situation of women in Afghanistan, who had been denied their basic human rights, and to the forced marriages of women in the Indian state of Jammu and Kashmir. In recent years, the acts of violence committed against women by Islamic extremists in that state had increased in number and cruelty. Terrorists belonging to Lakshar-i-Toiba had used rape and physical violence, including murder, as means of demoralizing and subjugating the population. Those acts, which had devastating physical and psychological consequences for the women victims, had been one of the main reasons for the exodus of the minority community of Kashmiri Pandits. There was an urgent need for States to take stringent punitive measures against non-State actors responsible for violence against women, and the international community should adopt a consensual approach with a view to developing effective deterrents to such violence.

74. Ms. GILLANI (World Muslim Congress) regretted that, although the world had entered the twenty-first century with lofty ideals and noble words, women almost everywhere were still the object of age-old misogynous bias. Violence against women, which went from domestic violence to the systematic use of rape in conflict zones, did not recognize boundaries. No region was free from such violence, and South Asia was no exception. Indian-occupied Kashmir in South Asia was a special case in that violence against women stemmed essentially from a deliberate policy on the part of the Indian authorities, which was trying to break the back of the struggle for freedom movement that had been waged by Kashmiris for the past five decades, by resorting to rape, which meant harassing and dishonouring their wives, sisters and daughters, with all the resulting psychological consequences for those women.

75. Those reports had been confirmed by such prestigious organizations as Amnesty International and Human Rights Watch, and by the Special Rapporteur on violence against women in her latest report (E/CN.4/2001/73), in spite of the fact that they had not been allowed to visit the region and that there had been a complete media blackout. The World Muslim Congress requested the Commission to appoint a special rapporteur on violence against women in occupied Kashmir and to send a fact-finding mission to that region.

76. Ms. McCONNEL (Women against Rape) said that the worst human rights violations committed in areas of armed conflict were directed against women and children. In Sri Lanka, Tamil women were systematically raped by members of the security forces, which used rape as means of warfare with impunity. The situation of Tamil women had been mentioned at the fifty-second session of the Subcommission on Promotion and Protection of Human Rights by a member of the Subcommission in connection with the agenda item on slavery-like practices during armed conflict.

77. The rapes and murders that had been committed individually and collectively by the Sri Lankan security forces, under cover of 27 years of emergency rule and 22 years of the Prevention of Terrorism Act, were innumerable and always went unpunished. Very recently, two young women had been raped and savagely tortured by the police. Those acts had been condemned by religious leaders, parliamentarians, human rights activists and legal associations in Sri Lanka, and several international non-governmental organizations had appealed to the President of Sri Lanka to investigate those atrocities. A prominent Netherlander had even requested the Prosecutor-General in Amsterdam to authorize the arrest of the President of Sri Lanka, Ms. Chandrika Kumaratunga, on the basis of her responsibility, as commander-in-chief of the armed forces, for acts of torture and crimes against humanity. Women against Rape urged the Commission to appoint a rapporteur to investigate the situation in Sri Lanka.

78. Ms. KABIR (World Federation of Trade Unions) said that Afghan women had established the Revolutionary Association of the Women of Afghanistan to protect their rights and to demonstrate that, in spite of the Taliban's brutal repression of Afghan women, they had not lost hope and retained their love of life, justice and freedom. They were counting on the support of the international community, in particular the support of the Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights.

79. Since the Taliban had come to power, women were not allowed to engage in any productive social or economic activity and were forced to cover themselves from head to foot or risk being beaten in public. Thousands of women had been raped and killed, or forced into marriage with Taliban fighters or their sympathizers. Deprived of education, health care, work, income and access to the outside world, Afghan women had been reduced to living in medieval conditions. The least resistance was violently suppressed. The voice of Afghan women was the voice of a nation subjected to the most brutal physical and spiritual aggression. That voice, which today might seem

faint, would resound loudly if the Revolutionary Association of the Women of Afghanistan was given the means to take action.

The meeting rose at 1.05 p.m.